## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:18-cv-00629-MOC

(3:16-cv-00232-MOC-DSC-2)

JERVONTEZ LAVASSIOR LEAK,	)
Petitioner,	) )
vs.	ORDER
UNITED STATES OF AMERICA,	) )
Respondent.	) )
	)

**THIS MATTER** is before the Court on Petitioner's Pro Se "Motion to Suspend Proceedings on Motion under 28 U.S.C. § 2255," [Doc. 7], which the Court construes as a motion to stay this action.

On November 11, 2018, Petitioner filed a Pro Se Motion to Vacate, Set Aside or Correct Sentence. [Doc. 1]. The Court ordered the Government to respond to Petitioner's motion. [Doc. 2]. On February 15, 2019, the Court granted the Government's motion to stay the proceedings pending the Supreme Court's decision in <u>United States v. Davis</u>, No. 18-431, and ordered that the Government has sixty (60) days from the decision in <u>Davis</u> to file a response. [Docs. 3, 4]. On June 23, 2019, the Supreme Court issued a decision in <u>Davis</u> and, as such, the Government's response is due August 23, 2019.

The Petitioner now moves the Court to "suspend, in part, the proceedings on the motion filed under 28 U.S.C. 2255, to submit memorandum on ineffective assistant of counsel." [Doc. 7]. The Petitioner, however, does not provide any grounds for this relief. [See id.]. The Court, therefore, will deny the Petitioner's motion without prejudice to allow Petitioner to refile his motion, stating adequate grounds to stay, if he so chooses.

## IT IS HEREBY ORDERED that the Petitioner's motion [Doc. 7] is **DENIED**WITHOUT PREJUDICE to refile stating grounds to justify a stay of these proceedings.

Signed: September 16, 2019

Max O. Cogburn Jr United States District Judge